



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

1131  
142899

REPLY TO THE ATTENTION OF:

February 18, 1993

Mr. Jim Langseth  
Barr Engineering Co.  
8300 Norman Center Dr.  
Suite 300  
Minneapolis, Mn. 55437

Dear Jim:

Attached to this cover letter please find the Illinois Environmental Protection Agency's (IEPA) response to the Revised Technical Memorandum - Preliminary Remediation Goals and Applicable or Relevant and Appropriate Requirements (9/4/92) and to Bell, Boyd & Lloyd's letter to the USEPA (9/5/92). Resolution of the issues contained in the IEPA letter and revision of the referenced technical memo and other relevant submittals is necessary. If you have any questions concerning this matter, please contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Will Bolen", is written over a horizontal line.

William J. Bolen  
USEPA - RPM

cc: T. Fitzgerald  
S. Mulrone  
R. Herseman  
T. Gowland



State of Illinois  
**ENVIRONMENTAL PROTECTION AGENCY**

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

1. The document fails to attempt to identify whether the materials at the site are hazardous wastes, either listed or characteristic, reference 35 IAC 721, D&C. Without this information ARAR RCRA requirements cannot be determined.
  - a. The listed wastes which may be present at this facility include:
    1. Ammonia still lime sludge from coking operations (K60)
    2. Decanter tank tar sludge from coking operations (87)
    3. Bottom sediment sludge from the treatment of wastewater from the wood preserving processes that used creosote (K001)
    4. Creosote (051)
  - b. No information was provided to indicate if the wastes at the facility possessed any characteristic of hazardous wastes.
2. Contrary to the information in Table 2, the groundwater standards set forth in 35 IAC 620 are indeed applicable to this project.
3. Table 6 fails to point out that creosoting operations took place at this facility.
4. Table 6 should be revised to include comments in number 1.
5. The RCRA ARAR of 40 cfr 261 in Table 6 is very important to the overall process at the facility. Such a determination will decide whether or not all of RCRA is an ARAR for all site activities.
6. Contrary to the statement regarding 40 cfr 264, Subpart G in Table 6, this subpart is an ARAR if the wastes being managed at this facility are determined to be hazardous wastes.
7. Contrary to the information in Table 6 regarding waste piles, there is no exclusion from RCRA ARAR's for temporary waste piles, if RCRA ARAR's are indeed relevant.
8. In Table 6 the statement made regarding 40 cfr 261.310 (should be 264.310), this subpart is an ARAR if the wastes being managed at this facility are determined to be hazardous wastes and the waste will be left in place.
9. In table 6 the statement regarding 40 cfr 263, Subpart X as not being an ARAR will be incorrect if the wastes being managed at the facility are determined to be hazardous wastes and the miscellaneous treatment units are used at the facility.
10. The requirements of 35 IAC 724, Subpart F (equivalent to 40 cfr 264, Subpart F) are applicable to any hazardous waste land disposal activities carried out at the site, including in place containment of the waste/contaminated material.
11. 35 IAC Subtitle G: Waste Disposal would be an ARAR which governs the onsite disposal and/or containment of waste/contaminated material that is non-hazardous. Of special concerns are the requirements of 35 IAC 811-815.

These would also be a concern for offsite transfer of non-hazardous



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waste.

12. The first paragraph in Section 4.1 should also indicate that soil remediation must be protective of groundwater quality specifically, not just the impact of groundwater on surface water.

13. Section 4.2 does not mention the requirements of 35 IAC 620. These must be met in any remedy selected at the facility.

**Groundwater comments.**

Coal was brought in from outside sources, and gas was extracted from it. This facility therefor does not qualify for the Class IV groundwater standards under 620.440(c), as stated on page 6 of the letter from the attorneys.

**Revised Technical Memorandum**

1. On page 18 the following statement was made, "Class IV groundwater would include any and all groundwater located within a lateral distance of 25 feet or a vertical distance of 15 feet from any primary or secondary source at the WCP site. The remedial investigation has not yet defined the vertical extent of contamination at the site."

a. It is not clear how these two statements are related since the vertical extent of contamination is not part of the definition of "primary or secondary source".

b. Potential primary and secondary sources as defined in 620.110 only applies to; "Any unit at a facility or site not currently subject to removal or remedial action." The vertical extent of contamination is the result of the placement of wastes in the previously defined units. These units are at a facility which is the subject of a remedial action. Therefor, they do not meet the definition of "primary or secondary source" as defined in section 620.110.

c. Potential primary or secondary source is repeatedly stated as primary or secondary source. This error should be corrected in future submittals since the meaning of these may not be exactly the same.

2. On page 18 groundwater in those areas where coal was stored may qualify as class IV groundwater under 35 IAC 620.240(f)(g). Section F is applicable only for active coal mines, or for specific processes at a coal mine. Section G is applicable for areas previously mined or mine disturbed areas. These conditions therefor do not make this site a candidate for class IV groundwater requirements since the coal was brought to the plant and simply stored prior to its use. No mining of coal has ever taken place at this facility.

3. The following clarifications are made in response to the statements made on Page 19 regarding the groundwater management zones.

a. A groundwater management zone (GMZ) is contingent upon the Agency's



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concurrence that corrective action is undertaken to mitigate impairment caused by the release of contaminants in a " timely and appropriate manner."

- b. During corrective action, the groundwater is not exempt from class I through class IV groundwater standards. The appropriate classification of the site specific aquifer will be made and the cleanup levels will be established for that level. Once a corrective action and GMZ are approved the enforcement of the applicable groundwater standards are temporarily suspended while corrective action for groundwater is being performed.

If contaminants other than those previously identified and included in the corrective action plan are encountered, the temporary suspension of applicable standards does not apply. For those contaminants, the facility may then be in violation of the groundwater quality standards. Changes would then be required to the corrective action plan to remediate the new constituents as well.

**Letter to USEPA**

1. Under the response to comment 6 as expressed above, a potential primary or secondary source is a unit not currently subject to corrective action.
2. On page 5 the following statement is made, "As a practical matter, Class IV Groundwater could be present throughout the entire site depending upon the extent of source removal required by the USEPA."
  - a. A potential primary or potential secondary source is a unit (which could be an area used to treat store or dispose); not the entire area of contamination due to spillage or migration from the unit. The extent of source removal does not determine the limits of a potential primary or secondary source nor is it relevant to the classification of Class IV groundwater.
3. On page 6 the following statement is made, "First, corrective action is not required under the regulations if the corrective action trigger levels for a particular constituent set forth in 35 IAC 620.310 are not exceeded." This is an inaccurate and incomplete statement for the following reasons;
  - a. 620.302(a) states that preventative notification and preventative response as specified in Sections 620.305 through 620.310 applies to Class I and Class III groundwaters.
  - b. 620.302(c) states that Sections 620.305 and 620.310 do not apply if a contaminant exceeds a standard set forth in 620.410 or 620.430 and that the appropriate response is corrective action.
  - c. 620.310(a)(3) does not only define numerical exceedences of certain Class I constituents, but also statistically significant increases of certain Class I constituents 620.310(a)(3)(A)(ii) over background as determined by other regulatory procedures.



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- d. 620.319(d) states the following; "Nothing in this section shall in any way limit the authority of the State or the United States to require or perform any corrective action process."
- e. 620.310(a)(3)(d) states the following; "The appropriate regulatory agency shall consider actions necessary to minimize the degree and extent of contamination." Obviously this may include corrective action.
- 7. On page 6 the following statement is made, "Second prior to completion of the corrective action described in 35 IAC 620.250(a), the groundwater quality standards applicable to Class I, II and III are not applicable to the released chemical constituents contained in the areas falling within those classes." Again, this statement is inaccurate and incomplete.
  - a. 620.450(a)(3) states that the above is contingent up on the initiated action proceeding in a timely and appropriate manner.
  - b. Concurrence with in the Agency must be obtained such that the conditions in subsection (a) are met and that groundwater management continues for a period of time consistent with the action described in that subsection.
  - c. The standards are not permanently suspended. The GME allows for the temporary suspension of the enforcement of the applicable standard with the goal of the corrective action being the numerical standard for that class.
  - d. Also, if the applicable standard cannot be met after the prescribed remedy is completed, a review must take place no less than five years and the results must be presented to the Agency in a written report.

If you have any questions please call me, my direct line is 217 524 6365.

Sincerely,

A handwritten signature in dark ink, appearing to read "T.E. Fitzgerald".

T.E. Fitzgerald  
Project Manager/Engineer  
Federal Sites Management Unit  
Remedial Project Management Section